

April 15, 2003 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

03SN0244

EWN Development Co. Inc.

Midlothian Magisterial District  
840 and 900 Branchway Road

**REQUEST:** Rezoning from Agricultural (A) and Community Business (C-3) to Community Business (C-3).

**PROPOSED LAND USE:**

Commercial uses are planned.

**RECOMMENDATION**

Recommend approval for the following reasons:

- A. Although the proposed zoning and land use do not conform to the Northern Area Land Use and Transportation Plan which suggests the property is appropriate for office and light industrial uses, C-3 zoning south of the request site has established a development pattern which supports deviation from the Plan. The proposed zoning conforms to existing area commercial development patterns.
- B. Office zoning and land uses, south of the request property, along Courthouse and Branchway Roads, provide a transition between commercial uses in the vicinity of the request property and residential development to the south along Courthouse Road.
- C. Development requirements of the Zoning Ordinance further ensure compatibility with existing and proposed area development.

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- (NOTES:
- A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS.
  - B. IT SHOULD BE NOTED THAT THE PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE PROFFERED CONDITIONS.)

#### PROFFERED CONDITIONS

1. The public wastewater system shall be used. (U)
2. No direct access shall be provided from the property to Courthouse Road. (T)
3. Direct access from the property to the public road located south of the property ("Busy Street Extended") shall be limited to one (1) entrance/exit. This access shall be generally located midway of the property frontage. The exact location of this access shall be approved by the Transportation Department. (T)
4. To provide an adequate roadway system, the developer shall be responsible for the following:
  - A. Construction of an additional lane of pavement along Busy Street Extended for the entire property frontage;
  - B. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
5. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in proffered condition 4, shall be submitted to and approved by the Transportation Department. (T)
6. With the exception of timbering to remove dead or diseased trees, which as been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department. (EE)
7. Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the development of Tax IDs 741-708-0335

and 2854. Compatibility may be achieved through the use of similar building massing, materials, scale color or other architectural features. (P)

### GENERAL INFORMATION

#### Location:

East line of Courthouse Road and west line of Branchway Road, and better known as 840 and 900 Branchway Road. Tax IDs 741-707-3393 and 741-708-3003 (Sheet 6).

#### Existing Zoning:

C-3 with Conditional Use Planned Development and A

#### Size:

2.5 acres

#### Adjacent Zoning and Land Use:

North - O-2 and C-3 with Conditional Use Planned Development; Commercial and vacant  
South - C-3; Vacant  
East - I-1 with Conditional Use Planned Development; Commercial  
West - C-3 and C-5 with Conditional Use Planned Development; Commercial

### UTILITIES

#### Public Water:

There is a sixteen (16) inch water line extending along the west side of Branchway Road, adjacent to this site. In addition, there is an eight (8) inch water line extending within an easement, adjacent to the northern boundary of this site. Use of the public water system is required by County Code.

#### Public Wastewater:

There is an eight (8) inch wastewater collector line that serves the Crossroads Business Park, approximately 400 feet west of this site and an eight (8) inch wastewater collector adjacent to International Boulevard, approximately 300 feet east of this site. Due to possible capacity restrictions in both of these wastewater lines, as well as questionable depth, there may be difficulty in extending these lines to serve the request site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 1)

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains southwest under Courthouse Road into a watercourse that eventually drains into Falling Creek. There are no existing or anticipated on- or off-site drainage or erosion problems. The property is partially wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department (Proffered Condition 6). This will ensure adequate erosion control measures are in place prior to any land disturbance.

## PUBLIC FACILITIES

### Fire Service:

The Midlothian Fire Station, Company Number 5, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service (EMS). This request will have minimal impact on fire and EMS service.

### Transportation:

The property is currently zoned Agricultural (A) and Community Business (C-3). The applicant is requesting rezoning that will allow Community Business (C-3) uses to be developed on the entire property (2.5 acres). This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 2,800 vehicles per day. These vehicles will be distributed to the public road located along the southern property line ("Busy Street Extended"). Busy Street Extended was constructed as part of the Courthouse Road widening project, and it extends from Courthouse Road to Branchway Road.

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). The Thoroughfare Plan identifies Courthouse Road as a major arterial. Access to major arterials, such as Courthouse Road, should be controlled. Due to the location of the Busy Street Extended/Courthouse Road intersection and the minimal property frontage along Courthouse Road, the applicant has proffered no direct access will be provided from the property to Courthouse Road (Proffered Condition 2). The applicant has also proffered that direct access from the property to Busy Street Extended will be limited to one (1) access, generally located midway of the property frontage. (Proffered Condition 3)

The traffic impact of this development must be addressed. The applicant has proffered to construct an additional lane of pavement along Busy Street Extended for the entire property frontage (Proffered Condition 4). Busy Street Extended is currently three (3) lanes wide. Constructing the additional lane along Busy Street Extended will provide an ultimate four (4) lane undivided typical section for its entire length.

At time of site plan review, specific recommendations will be provided regarding access and internal site circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Northern Area Land Use and Transportation Plan which suggests the property is appropriate for office and light industrial uses.

### Area Development Trends:

Development along this portion of Courthouse Road is characterized by commercial zoning and land uses in the vicinity of the Midlothian Turnpike/Courthouse Road intersection and by commercial and office zoning and uses, as well as vacant property south of the request property. Specifically, property in the vicinity of International Drive, which has been extended to connect Branchway and Courthouse Roads, south of the request property, is zoned commercially, and the Target Center has been developed as commercially and industrially zoned property east of the request property, along Branchway Road.

Properties south of the request site, in the vicinity of the Courthouse Road/Southlake Boulevard intersection, are zoned and developed for office and light industrial uses. These properties provide a transition between commercial development in the vicinity of the request property and residential development further south, along Courthouse Road. It is anticipated that these development patterns will continue.

### Zoning History:

On April 25, 1984, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved rezoning from Agricultural (A) to Community Business (B-2) with Conditional Use Planned Development on a portion of the request property (Case 83S188). With the approval of Case 83S188, conditions were imposed relative to uses and to bulk and development requirements.

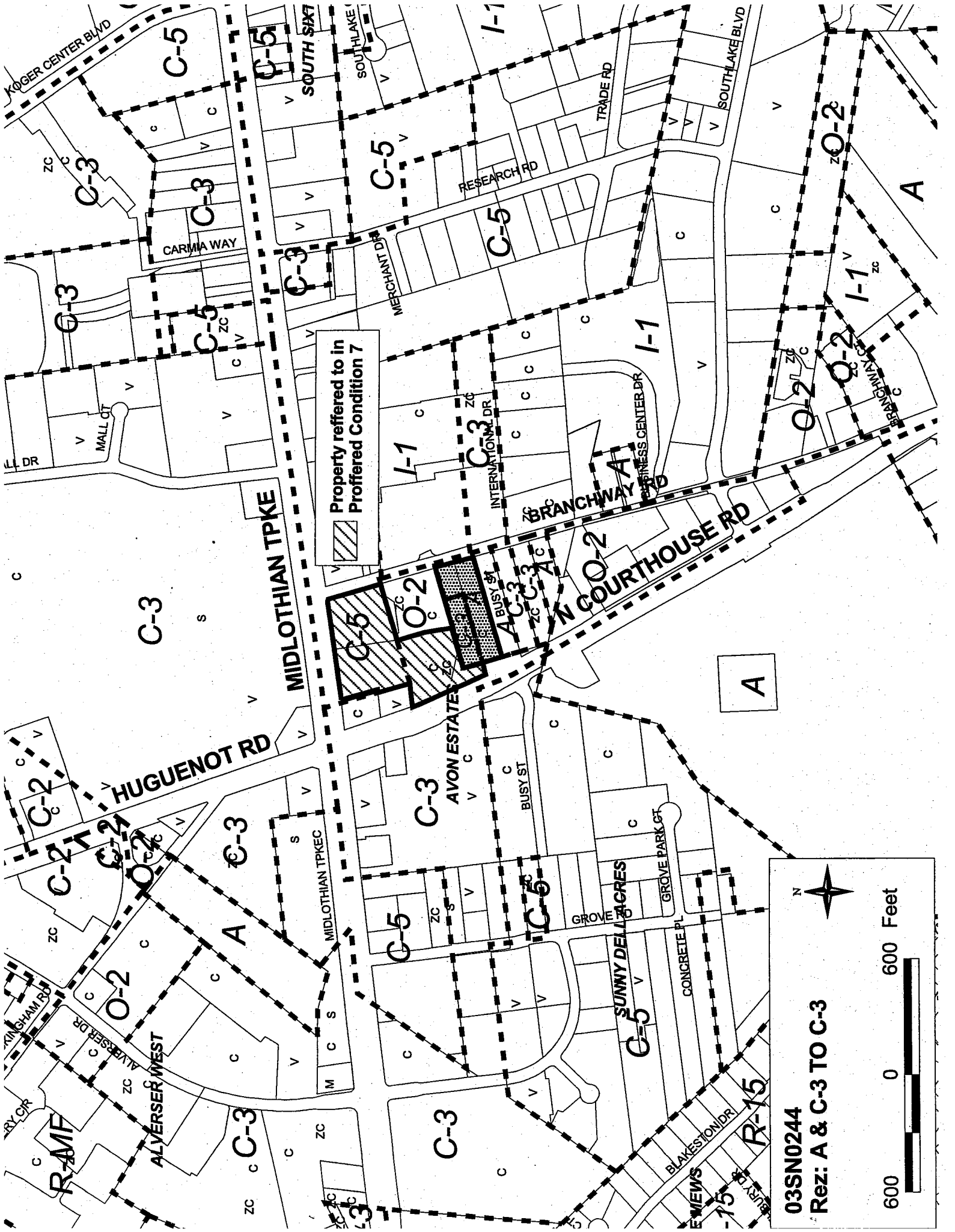
### Development Standards:

Currently, the request property lies within the Midlothian Turnpike Post Development Area. The purpose of the Post Development Area standards is to provide flexible design criteria in areas that have already experienced development and ensure continuity of development. New construction must conform to the development standards of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas. In addition to these requirements, the applicant has agreed to provide an architectural treatment compatible with buildings located within the shopping center developed on adjacent property to the north. (Proffered Condition 7)

## CONCLUSIONS

Although the proposed zoning and land use does not conform to the Northern Area Land Use and Transportation Plan which suggests the property is appropriate for office and light industrial uses, C-3 zoning south of the request site has established a development pattern which supports deviation from the Plan. The proposed zoning conforms to existing area commercial development patterns. Office zoning and land uses, south of the request property, along Courthouse and Branchway Roads, provide a transition between commercial uses in the vicinity of the request property and residential development to the south along Courthouse Road. In addition, development requirements of the Zoning Ordinance further ensure compatibility with existing and proposed area development.

Given these considerations, approval of this request is recommended.



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Rez: A & C-3 TO C-3



600 0 600 Feet

